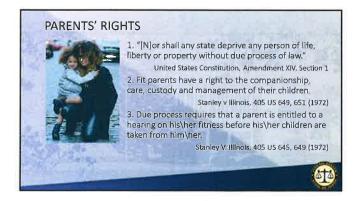


# IDAHO'S PROMISE TO CHILDREN State Jurisdiction If: 1. Neglected 2. Abused 3. Abandoned 4. Homeless 5. Parents or legal custodian fails to provide a stable home environment. 6. Another child in same household or visitation (risk) Section 16-1603, Idaho Code, 1 TO 5 Defined in Section 16-1602, Idaho Code



### HOW SHOULD THE STATE RESPOND?

### Castian 16 1601 titaho Code (Policy)

"...establishment of a legal framework conducive to the judicial processing, including periodic review of child abuse, abandonment and neglect cases, and the protection of any child whose life, health or welfare is endangered. At all times, the health and safety of the child shall be the primary concern. Each child coming within the purview of this chapter shall receive, preferably in his own home, the care, guidance and control that will promote his welfare and the best interest of the state of Idaho, and if he is removed from the control of one (1) or more of his parents, guardian or other custodian, the state shall secure adequate care for him; provided, however, that the state of ideho shall, to the fullest extent possible, seek to preserve, protect, enhance and reunite the family relationship."

### Directions to the Court

### Section 16-1601 Idaho Code

- 1) At all times, the health and safety of the child shall be the primary concern.
- 2) Preserve the privacy and unity of the family whenever possible;
- Take such actions as may be necessary and feasible to prevent the abuse, neglect, abandonment or homelessness of children;
- 4) Take such actions as may be necessary to provide the child with permanency including concurrent planning;
- 5) Clarify for the purposes of this act the rights and responsibilities of parents with joint legal or joint physical custody of children at risk; and
  6) Maintain sibling bonds by placing siblings in the same home when possible, and support or facilitate sibling visitation when not, unless such contact is not in the best interest of one (1) or more of the children.



### **IDAHO MANDATORY REPORTING**

- Physician
- Hospital staff
- •Intern
- Nurse
- ·School teacher
- Day care
- •Social Worker
- •Other person having reason to believe

Section 16-1605 Idaho Code



	OPTIONS
L. Do nothing, unsub	stantiated claim
Informally work wi	th family and make referrals
. Create a written p	an with the family
File a CP petition a	nd wait for adjudicatory hearing
File a CP petition a he child (child is uns	nd ask court for an order removing afe)

### REMOVAL BY PEACE OFFICER • DUI (many times with kids in car) • Substance abuse arrest • Warrant for arrest (often failure to appear for court) • Child wandering in the street • Sex abuse allegation and investigation • Parent involving child in their crimes • Parent goes on vacation, leaves child unsupervised • Substitute caretaker quits, drops off child • Chronic neglect, officer won't leave child in home • Child born under the influence, officer declares

### TEMPORARY SHELTER CARE Court Options and Findings Petition filed by prosecutor or deputy attorney general, reasonable cause for jurisdiction? IDHW made reasonable efforts to avoid shelter care? Temporary custody of one parent? Contrary to welfare to remain in home? Best interests to be in shelter care? Would a "protective order" allow a child to return home safely?

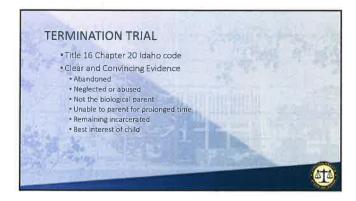
### ADJUDICATORY HEARING •30 days after filing •Preponderance of the evidence for jurisdiction •If jurisdiction disposition decided: •Legal custody with IDHW •Protective supervision by IDHW -Court order of conditions to keep child safe -Removal and/or no contact orders

## PLANNING HEARING PARENTPLAN • Reunification • Treatment • Skills • Lifestyle • Support • Housing • Visitation-Home Visits

•Case closure efforts •Services needed •Plan changes, if needed •Motivational hearin	REVIEW 6 MONTHS	STATUS, AS NEEDED
•Case closure efforts •Services needed •Plan changes, if needed •Motivational hearin	Full review of the case	<ul> <li>Keep case moving</li> </ul>
•Plan changes, if needed •Motivational hearin	Reunification efforts	<ul> <li>Engagement of parent</li> </ul>
	Case closure efforts	•Services needed
	Plan changes, if needed	<ul> <li>Motivational hearing</li> </ul>
•Wellbeing of child •Limited issues	Wellbeing of child	•Limited issues

PERMANENCY GOAL	CONCURRENT GOAL
• Reunification	•Termination
Case closure	•Adoption
	•Guardianship
	<ul> <li>APPLA (Another Planned Permanent Living Arrangement)</li> </ul>

### TERMINATION • IDHW has custody and may file at anytime • IDHW must file when: • 15 of last 22 months child is in IDHW custody • 30 days after permanency plan of termination • 30 days after court rules infant abandoned • 30 days after finding of aggravated circumstances • Or a finding of compelling reasons termination is not in the best interest of child.



### APPEALS Idaho Appellate Rule 11.1 Direct expedited appeal to the Idaho Supreme Court Saves between one and two years for child Need for court reporters to create a record on appeal

## TIME IS CRITICAL •To the child •To the parents •To the courts •To IDHW •To the foster parents

## CLOSED RECORD AND HEARINGS A court shall not disclose any of the contents of a case file of any action brought under the Juvenile Corrections Act or the Child Protective Act, nor other records of such proceedings, except as authorized under Rule 32 of the Idaho Court Administrative Rules and Section 16-1626, Idaho Code (addressing the disclosure of judicial records.)

### FAMILY FIRST PREVENTION SERVICES ACT 2018

- The entire community is responsible for well-being of children and families
- IV-E funding to IDHW for prevention
- Challenges and opportunities
- Children should be protected whenever possible within their own homes, communities and cultures.
- Requires interagency collaboration and the engagement of child- and family-serving agencies from the public, private, and faith-based sectors.



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